

AMENDED IN ASSEMBLY JUNE 18, 2002

AMENDED IN SENATE JULY 11, 2001

AMENDED IN SENATE MAY 30, 2001

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE APRIL 19, 2001

SENATE BILL

No. 1086

Introduced by ~~Senators Alarcon and Romero~~ Senator Alpert
(Coauthors: Assembly Members Alquist, Chavez, Diaz, Firebaugh,
and Pavley)

February 23, 2001

~~An act relating to air pollution, and declaring the urgency thereof, to take effect immediately. An act to amend Section 2859 of the Fish and Game Code, relating to marine life protection.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, as amended, ~~Alarcon~~ Alpert. ~~Air pollution: liquified natural gas: production~~ Marine Life Protection Program: master plan.

Existing law requires the Fish and Game Commission to adopt a Marine Life Protection Program for the purpose of, among other things, protecting the natural diversity and abundance of marine life, and the structure, function, and integrity of marine ecosystems. Existing law requires the commission to adopt, on or before December 1, 2003, a master plan that guides the adoption and implementation of the Marine Life Protection Program and decisions regarding the siting of new marine protected areas and major modifications of existing marine protected areas.

This bill would change the date upon which the commission is to adopt a master plan to on or before December 1, 2005.

Existing law requires the Department of Fish and Game to submit a draft of the master plan to the commission on or before January 1, 2003, and a proposed final master plan to the commission on or before April 1, 2003.

This bill would change these dates to January 1, 2005, for submission of the draft of the master plan, and April 1, 2005, for submission of the proposed final master plan.

~~(1) Existing law requires the State Energy Resources Conservation and Development Commission, in conjunction with the State Air Resources Board, to carry out a program of technology development and financial assistance to expand the use of methanol fuel as a means of reducing air pollution, assuring the state's energy security, and increasing the competitiveness of fuel markets.~~

~~This bill would, to the extent that funds are available for this purpose, require those funds to be expended on grants or loans for projects that the commission determines demonstrate the technological and economic viability of equipment that treats gas collected from solid waste landfills and converts that gas into liquified natural gas for use as a transportation fuel. The bill would prohibit the amount of the grant or loan from exceeding 35% of the total cost of the project. The bill would require the commission to adopt new guidelines, or utilize existing guidelines, to ensure the effective use and oversight of the appropriated funds, as specified.~~

~~(2) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—The Legislature finds and declares all of the~~
- 2 ~~SECTION 1. Section 2859 of the Fish and Game Code is~~
- 3 ~~amended to read:~~
- 4 2859. (a) On or before January 1, ~~2003~~ 2005, the department
- 5 shall submit to the commission a draft of the master plan prepared
- 6 pursuant to this chapter.
- 7 (b) On or before April 1, ~~2003~~ 2005, after public review, not
- 8 less than three public meetings, and appropriate modifications of

1 the draft plan, the department shall submit a proposed final master
2 plan to the commission. On or before December 1, ~~2003~~ 2005, the
3 commission shall adopt a final master plan and a Marine Life
4 Protection Program with regulations based on the plan and shall
5 implement the program, to the extent funds are available. The
6 commission's adoption of the plan and a program based on the plan
7 shall not trigger an additional review under the California
8 Environmental Quality Act (Division 13 (commencing with
9 Section 21000) of the Public Resources Code).

10 (c) The commission shall hold at least two public hearings on
11 the master plan and the Marine Life Protection Program prior to
12 adopting the plan and program. The commission may adopt the
13 plan and the program immediately following the second public
14 hearing or at any duly noticed subsequent meeting.

15 (d) Upon the commission's adoption of the program, the
16 commission shall submit the master plan and program description,
17 including marine life reserve and other MPA designations, to the
18 Joint Committee on Fisheries and Aquaculture for review and
19 comment. Upon receipt of the plan, the joint committee shall have
20 60 days to review the plan and to submit written recommendations
21 to the commission regarding the plan and program. The joint
22 committee shall only submit a recommendation to the commission
23 if a majority of the members agree to that recommendation. The
24 commission shall consider all recommendations submitted by the
25 joint committee, and may amend the program to incorporate the
26 recommendations. If the commission does not incorporate any
27 recommendations submitted by the joint committee, the
28 commission shall set forth, in writing, its reasons for not
29 incorporating that recommendation.

30 following:

31 ~~(a) Many of the state's air quality management districts have~~
32 ~~adopted programs to reduce emissions from heavy-duty engines as~~
33 ~~a means of achieving health-based air quality standards and to~~
34 ~~reduce exposure to toxic air contaminants.~~

35 ~~(b) The use of alternative fuel such as natural gas offers an~~
36 ~~immediate opportunity to reduce emissions from heavy-duty~~
37 ~~trucks.~~

38 ~~(c) The recent increase in natural gas prices, coupled with~~
39 ~~increased demand from energy generators, present serious~~

1 obstacles for both public and private fleet operators that have been
2 required or encouraged to convert to natural gas.

3 ~~(d) There is a critical need to expand natural gas supplies both~~
4 ~~for electrical energy generation and for use as a clean~~
5 ~~transportation fuel.~~

6 ~~(e) California's solid waste landfills offer an immediate and~~
7 ~~significant source of affordable methane that can be converted to~~
8 ~~liquefied natural gas for use in heavy-duty vehicles.~~

9 ~~(f) New demand for methane produced fuel will encourage~~
10 ~~improvements in the recovery of landfill gas and may significantly~~
11 ~~reduce greenhouse gas emissions.~~

12 ~~(g) Grants to fund a number of pilot projects will advance the~~
13 ~~commercialization of landfill gas treatment equipment and~~
14 ~~accelerate the production of liquefied natural gas from the state's~~
15 ~~solid waste landfills.~~

16 ~~SEC. 2. (a) To the extent funds are available or otherwise~~
17 ~~appropriated for the purposes of this section, the State Energy~~
18 ~~Resources Conservation and Development Commission shall~~
19 ~~make grants or loans from those funds for projects that~~
20 ~~demonstrate, as determined by the commission, the technical and~~
21 ~~economic viability of equipment that treats gas collected from~~
22 ~~solid waste landfills and converts that gas into liquefied natural gas~~
23 ~~for use as a transportation fuel. Grants or loans for these projects~~
24 ~~shall not exceed 35 percent of the total cost of the project.~~

25 ~~(b) The commission shall adopt new guidelines, or shall utilize~~
26 ~~existing guidelines previously adopted by the commission for~~
27 ~~similar grant programs, in order to ensure the effective use and~~
28 ~~oversight of funds appropriated by this section. The guidelines~~
29 ~~shall include all of the following elements:~~

30 ~~(1) Cost-effective criteria for project evaluation and selection.~~

31 ~~(2) Procedures to verify the availability of any required~~
32 ~~matching funds.~~

33 ~~(3) Auditing and tracking procedures to ensure funds are~~
34 ~~expended in a manner consistent with this act.~~

35 ~~(4) Limits on administrative costs of 2 1/2 percent of the amount~~
36 ~~of funds expended. For the purposes of this paragraph,~~
37 ~~"administrative costs" means personnel and overhead costs~~
38 ~~associated with the management of the grant and loan program~~
39 ~~created by this act.~~

1 ~~(c) This program shall be subject to Section 25620.4 of the~~
2 ~~Public Resources Code.~~

3 ~~SEC. 3. This act is an urgency statute necessary for the~~
4 ~~immediate preservation of the public peace, health, or safety~~
5 ~~within the meaning of Article IV of the Constitution and shall go~~
6 ~~into immediate effect. The facts constituting the necessity are:~~

7 ~~In order to meet the natural gas needs of the people in the state~~
8 ~~during the current shortage of natural gas supplies, and in order to~~
9 ~~limit further impacts of that shortage on the public health, safety,~~
10 ~~and welfare, it is necessary that this act take effect immediately.~~

